

STATE OF NORTH CAROLINA

FORSYTH COUNTY

IN THE GENERAL COURT OF JUSTICE

SUPERIOR COURT DIVISION

CASE NO. 17 CVS 4738

REBECCA KOVALICH and  
SUZANNE NAGELSKI,

Plaintiffs,

vs.

PREFERRED PAIN MANAGEMENT  
& SPINE CARE, P.A., DR. DAVID  
SPIVEY, individually, and SHERRY  
SPIVEY, individually,

Defendants.

**NOTICE OF FILING**  
**REMOVAL**

TO: Rebecca Kovalich  
Suzanne Nagelski  
c/o Sean F. Herrmann, Esq.  
Van Kampen Law P.C.  
315 East Worthington Avenue  
Charlotte, NC 28203  
*Attorney for Plaintiffs*

Hon. Susan Frye  
Clerk of the Court  
Forsyth County Superior Court  
200 N. Main Street  
Winston Salem 27101-3901

The Defendants, Preferred Pain Management & Spine Care, P.A., Dr. David Spivey and Sherry Spivey (collectively referred to as "Defendants") hereby give notice that this matter has been removed to the United States District Court for the Middle District of North Carolina, as authorized by 28 U.S.C. § 1331, 1441 and 1446. Defendants' Notice of Removal of this action to that Court is based upon federal question. A copy of the Notice of Removal is hereby filed with the above-named Clerk of Court, in accordance with the provisions of 28 U.S.C. § 1446(d), and is

**EXHIBIT**  
**B**

attached hereto as Exhibit "1". A copy of the Notice of Removal has also been served upon the Plaintiffs in this matter by mailing the same to their counsel of record.

Respectfully submitted this the 25<sup>th</sup> day of September, 2017.

JACKSON LEWIS P.C.

BY:



ANN H. SMITH

N.C. State Bar No. 23090

*Attorneys for Defendants*

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**CERTIFICATE OF  
SERVICE**

The undersigned certifies that on September 25, 2017, a copy of the attached *Notice of Filing Removal* was served on all parties to this cause by:

- ☐ Hand delivering a copy hereof to the said party addressed as follows:
- ☒ Depositing a copy hereof, postage prepaid, in the United States Mail, addressed to said party as follows:
- ☐ Depositing a copy hereof with a nationally recognized overnight courier service, for overnight delivery, addressed to each said party as follows:
- ☐ Telecopying a copy hereof to each said party as follows:

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